

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARIO MARADIAGA BENEVIDEZ, aka,  
MARIO MARTINEZ-MORENO,

Petitioner,

V.

ALBERTO R. GONZALES, et al.,

## Respondents.

CASE NO. C07-0463-RSL-MAT

ORDER GRANTING  
PETITIONER'S MOTION FOR  
STAY OF DEPORTATION

On March 28, 2007, petitioner, proceeding through counsel, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and an Emergency Motion for Stay of Deportation. (Dkts. #1, #2). The Court ordered petitioner's deportation temporarily stayed pending briefing and a resolution of petitioner's motion for stay. (Dkt. #4). Respondents have replied that they have no objection to such a stay, pending a decision on the merits of petitioner's habeas petition. (Dkt. #8).

Accordingly, the Court does hereby find and ORDER:

(1) Petitioner's request for a stay of deportation is GRANTED, and petitioner's deportation is STAYED pending the resolution of the habeas corpus action in this Court.

(2) The Court expresses no views at this time as to the merits of petitioner's habeas

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1 petition.

2 (3) The Clerk shall direct a copy of this Order to all counsel of record, and shall forward  
3 a copy of this Order to Judge Theiler.  
4

5 DATED this 16<sup>th</sup> day of April, 2007.

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7 Robert S. Lasnik  
8 United States District Judge  
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11 Recommended for Entry  
12 this 16th of April, 2007.

13 s/MARY ALICE THEILER

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MARY ALICE THEILER  
15 United States Magistrate Judge  
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